IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 49 OF 2004

SHRI SRIPAD C.MADKAIKAR AND 3 ORS., ...Appellants

Versus

DATTA APARTMENTS CO-OPERATIVE HOUSING SOCIETY LTD. & ANR. ....Respondents

Mr. S. N. Joshi, Advocate for the appellants.

Mr. V. A. Lawande, Advocate for respondents No.1 and 2.

Coram:- S.K. SHAH, J.

Date:- 9th February, 2007

P.C.

The learned Counsel for the appellants seeks to withdraw this appeal, seeking liberty to file fresh application for temporary injunction on the basis of the amended plaint. The learned Counsel for the respondents states that it should be clarified by the Court that all the contentions with regard to maintainability of such application should be kept open.

The appeal is allowed to be withdrawn. The appeal is dismissed as withdrawn with liberty as sought. It is clarified that all the contentions raised by the respondents with regard to the maintainability of the fresh application to be filed, are kept open.

S.K. SHAH, J.

ssm.